



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

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September 9, 1975

The Honorable Bevington Reed
Commissioner of Higher Education
Coordinating Board
Texas College and University System
P. O. Box 12788, Capitol Station
Austin, Texas 78711

Opinion No. H- 685

Re: Whether Senate Bill 360 applies
to students from Mexico who are
attending Texas Junior Colleges
adjacent to the Mexican border.

Dear Dr. Reed:

You have requested our opinion concerning the scope of Senate Bill 360 of the 64th Legislature found at Acts 1975, 64th Leg., ch. 122, p. 280. Senate Bill 360 amends section 54.060 of the Education Code and provides an exemption from normal non-resident tuition rates for a student:

who is a resident of a state situated adjacent to
Texas and who registers in any Texas public
junior college situated in a county immediately
adjacent to the state in which the nonresident
student resides.

You have asked whether a student who is a resident of Mexico would be entitled to the reduced tuition rates provided in section 54.060.

The meaning of the word "state" in a particular statute depends upon its context. Houston East & West Texas Railway Co. v. Inman, Akers & Inman, 134 S.W. 275 (Tex. Civ. App. 1911, no writ). Thus in some cases "state" has been construed to mean one of the United States. Eidman v. Martinez, 184 U.S. 578 (1901); Employers' Liability Assurance Co. v. Commissioner of Insurance 31 N.W. 542 (Mich. 1887); Houston East & West Texas Railway Co. v. Inman, Akers, & Inman, *supra*. In other cases "state" has been held to include foreign countries. Mississippi Beneficial Association v. Majure, 29 So. 2d 110 (Miss. 1947); Fessenden v. Radio Corporation of America, 10 F. Supp. 394 (D. Del. 1935); Boissevain v. Boissevain, 231 N.Y.S. 529 (Sup. Ct. App. Div. N.Y. 1928).

Section 54.060 applies to "nonresident" students. The Legislature has treated nonresident students and students of foreign countries as constituting different classes for purposes of tuition in a related statute. Education Code § 54.051 (c), (h). See Attorney General Opinion H-61A (1973); H-103 (1973).

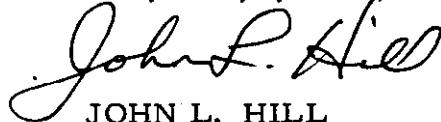
Additionally, in other statutes the Legislature has used the words "any county bordering on the International Boundary of the United States" to denote an application to counties adjacent to the Mexican border. V. T. C. S. arts. 3737d-1, 331f, 331f-1.

We have discovered no indication of any legislative intent to make section 54.060 applicable to counties adjacent to the Mexican border. Since the Legislature has expressly included these counties in other statutes, in our view the absence of any similar language in section 54.060 indicates that this section is not applicable to those counties. Accordingly, in our opinion, the word "state" as contained in section 54.060 of the Education Code does not include Mexico.

SUMMARY

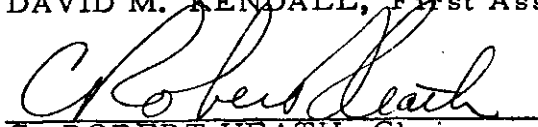
The word "state" as contained in section 54.060 of the Education Code does not include Mexico.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant
C. ROBERT HEATH, Chairman
Opinion Committee

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